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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,678	10/17/2003	Scott D'Avanzo	5611.00006	9367

29747 7590 09/21/2006

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EXAMINER

SHAH, MILAP

ART UNIT PAPER NUMBER

3712

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,678

Applicant(s)

D'AVANZO, SCOTT

Examiner

Milap Shah

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on September 11, 2006. These drawings are accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (U.S. Patent Application Publication No. 2002/0065126).

Claims 1, 5, 6, 8, 11, 12, 15, & 17-19 Miller et al. disclose the same invention including conducting an electronic primary game having one or more triggering events causing a secondary or bonus game to activate, as known in the art (paragraph 0009). The secondary or bonus game including a sphere-shaped (the “form”) apparatus substantially covered with a plurality of reflective sectors having numerical values imprinted thereon relating to awards within the secondary game (paragraph 0080 & figures 10A-10B). Miller et al. discloses the sectors may be surfaced with reflective elements and lights from the inside of the housing for entertainment effect (paragraph 0080). Furthermore, Miller et al. discloses that fiber optic cable may be used, as known in the art, to illuminate or highlight a sector for emphasis on that sector (paragraph 0082). The fiber optic cable is considered the illumination means in series since the cable is laid down around the sphere and is capable of illuminating multiple sectors as the sphere rotates, such that the illumination appears in series creating a “path” as the sphere rotates and each adjacent sector

is illuminated. The secondary or bonus game is considered “in communication” with the primary game since the primary game activates the play of the secondary or bonus game. As is well known in the art, a CPU or microprocessor within the gaming machine controls all operation of the gaming machine including primary game operations, secondary game operations, illumination operation, and display operation (paragraphs 0084-007 and figures 14-16).

In regards to the newly added claim language: Miller discloses a sphere form as described above having multiple sections. The sphere has vertical and horizontal paths comprising multiple individual units or members. The vertical path is one reflective unit or member in length and the horizontal path is one reflective unit or member in width. The horizontal path also contains multiple reflective units or members equaling the total number of sections. The limitation does not appear to recite that each path contains multiple individual reflective units or members, but rather merely suggests that multiple individual reflective units or members construct the vertical and horizontal paths. See also “Response to Arguments” on page 4.

Claims 2, 4, 7, & 10: Miller et al. discloses the sphere-shaped apparatus is an output display element including a plurality of mutually adjacent sectors each able to illuminate and “display” a numerical value (paragraphs 0076-0080 & figures 10A-10B). The illumination or highlighting allows the value to be read through the reflective surface. As discussed above, the display is considered controller and operated via the CPU or microprocessor of the gaming machine, as is well known in the art.

Claims 3, & 9: Miller et al. disclose an outcome-indicator (figure 10A[element 610P]) that is capable of “identifying a path of reflective units” as seen in figures 10A-10B.

Claim 13: Miller et al. disclose that multiple circumferentially separated indicators or pointers may be used and the selected one is used during game play (paragraph 0099).

Claim 14: Miller et al. disclose the sphere-shaped display element rotates about a vertical axis, which signifies the activation of the bonus game (paragraph 0080).

Claim 20: The series of adjacent sectors or sections in Miller et al. are considered to be a series of “alphanumeric displays” such that they are capable of displaying any indicia desired including numbers and symbols relating to a secondary game award. The sectors are integrated within the sphere-shaped display element.

Response to Arguments

Applicant's arguments with respect to claims 1-20, filed September 11, 2006, have been fully considered but they are not persuasive.

The Applicant argues that Miller fails to disclose, teach, or suggest “a plurality of reflective units configured in vertical and horizontal paths comprising multiple reflective units”. The Examiner respectfully disagrees. The Examiner interprets the sphere form with its sections to have both a vertical and horizontal path, such that the vertical path is one “reflective unit” (alternatively recited “reflective member”) long and the horizontal path is one “reflective unit” wide. The horizontal path contains multiple “reflective units” equaling the total number of sections. The claim does not appear to indicate that each of the paths contains multiple individual “reflective units”, but rather merely recites that multiple individual (i.e. different) “reflective units” formulate the vertical and horizontal paths. Therefore, using the broadest reasonable interpretation, the Examiner submits that Miller does disclose, teach, or suggest “a plurality of reflective units configured in vertical and horizontal paths comprising multiple individual members”.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Kammerl	U.S. Patent No. 3,771,789	A gaming apparatus using a ball with similar structure or "looks" as Applicant's sphere in Applicant's drawings.
Inoue	U.S. Patent No. 6,398,220	A gaming machine having a sphere as a bonus indicator.
Baerlocher et al.	U.S. Design Patent No. D496,968 U.S. Design Patent No. D504,473	Two design patents showing sphere shaped forms above gaming machines for bonus purposes.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.B.S.

A handwritten signature in black ink, appearing to read "Scott E. Jones". The signature is fluid and cursive, with the first and last names being more prominent.

SCOTT JONES
PRIMARY EXAMINER